STATE OF MARYLAND

Date of Verification: Spring 2024

The Community Rating System (CRS) provides credit to communities for certain state laws, regulations, and standards that support floodplain management within a state and have proven effective in reducing flood damage. This Verification Report is provided to explain the recommendations of Insurance Services Office, Inc. (ISO) to DHS/FEMA concerning state-based credits under the CRS within the above state.

There are two sections to this report: State-based credit, and Other potential credit.

State-based credit is awarded to communities for activities that are implemented and enforced by the state. The credit is provided to each community in the state and documentation is not needed from the community.

Other potential credit lists the CRS activities for which communities may receive CRS credit based on, or due to, state or regional programs or regulations that are implemented within the community. There is also information regarding use of a state-based model ordinance, if present in the state. The potential credits must be verified by the ISO/CRS Specialists within each community, since enforcement is done at the community (or regional) level.

The following is a summary of state-based credit and other potential credit based on the *2017 CRS Coordinator's Manual* and *2021 Addendum*:

State-Based Credit

ACTIVITY	ELEMENT	POINTS
340 (Hazard Disclosure)	ODR–other disclosure requirements	5

Activity 340 (Hazard Disclosure) Element ODR, Other Disclosure Requirements

Maryland has a residence property disclosure requirement that sellers disclose if the property is located in a flood zone.

Citation: MD. Real Property Code Ann. § 10-702 (2021) and Maryland Residential Property Disclosure and Disclaimer Statement - https://www.dllr.state.md.us/forms/propertydanddform.pdf.

MD. Real Property Code Ann. § 10-702 (2021) (c)

(2) The State Real Estate Commission shall develop by regulation a single standardized form that includes the residential property condition disclosure and disclaimer statements required by this subsection.

Disclaimer Statement. Please indicate your actual knowledge with respect to the following:

17. Is the property located in a flood zone, conservation area, wetland area, Chesapeake Bay critical area or Designated Historic District?

Other Potential Credit

ISO/CRS Specialists and the communities need to determine which credits apply to their area. The following is a summary of activities that are potential credits:

ACTIVITY	ELEMENT
430 (Higher Regulatory Standards)	BC1–building codes LDP3–local drainage protection FRB–freeboard Other
450 (Stormwater Management)	ESC–erosion & sedimentation control WQ–water quality
630 (Dams)	SDS–state dam safety

Activity 430 & Potential Higher Regulatory Standards in the State's Model Ordinance

State Model Flood Hazard Ordinance

The Water Science Administration of the Maryland Department of the Environment is the State NFIP Coordinating Agency.

The state's model ordinance can be found here - https://mdfloodmaps.net/pdfs/MD_Model-FPMO_Ordinance_January2018.pdf.

Optional higher standards include:

- Specially defined SFHAs in nontidal waters of the state.
- 3.5 (A)(6) and 5.3 (C) requires H&H studies for proposals in SFHAs with no floodway.
- 3.5 (A)(9)(b) – non-conversion agreements required
- 3.5 (A)(10) – variance required for accessory structures between 300-600 sq ft below the BFE

- 4.4 (F) – electrical panelboard elevated at least three ft above BFE.
- 4.7 (C) – bottom of lowest horizontal structural member is lowest floor for manufactured homes.
- 4.9 – critical facilities are not to be located in V zones, coastal A zones, or floodways. If in SFHA, need to be elevated to the higher between 1 ft above required building code elevation, or the 500-yr flood elevation.
- 5.2 – flood protection setbacks areas – no new buildings unless applicant can show the building cannot be developed without encroachment
- 5.3 (A) – floodway development must be permitted by the Maryland Department of the Environment
- 5.3 (B) – compensatory storage is required for fill in nontidal waters of the US.
- Structures to be built with 2 ft of freeboard.

Activity 430 (Higher Regulatory Standards) Element BC1, Building Codes

Maryland's law related to building codes is called the Maryland Building Performance Standards (MBPS). It requires each jurisdiction in Maryland to use the same edition of the same building codes. However, the state's website also says each local jurisdiction in Maryland may modify these codes to suit local conditions.

Effective May 29, 2023, the state has adopted, with modifications, the 2021 International Building Code (IBC) and 2021 International Residential Code (IRC), and the 2021 International Energy Conservation Code (IECC). State law requires local jurisdictions to start implementing & enforcing the new 2021 code requirements by May 29, 2024. IBC Chapter 1 is and Appendix G is not adopted.

The state has also adopted the 2018 International Plumbing Code, 2018 International Mechanical Code, 2018 International Fuel Gas Code, and 2018 International Private Sewage Disposal Code.

- MD Building Codes page https://www.dllr.state.md.us/labor/build/buildcodes.shtml
- Summary of County and Municipality Codes Local Codes and Contacts - Building Codes Administration - Division of Labor and Industry (state.md.us)

Activity 430 (Higher Regulatory Standards) Element LDP3, Local Drainage Protection

The state's building code includes the IBC requirement for fill/grading to be compacted and to slope away from buildings to provide positive drainage and minimize erosion. Provided the community can document enforcement of the positive drainage provisions, 10 points is available. *Citation: Section §1804.4 of the IBC*

Activity 430 (Higher Regulatory Standards) Element FRB, Freeboard

The state has adopted the IBC which states the design and construction of buildings and structures located in flood hazard areas, including coastal high hazard areas and coastal A zones, shall be in accordance with Chapter 5 of ASCE 7 and ASCE 24 which requires at least 1 foot of freeboard.

Specialists will verify with each community the adopted building code, and whether machinery/utilities and ductwork are required to be elevated and/or protected, to determine credit (CRS Manual page 430-13).

- Note the CRS Class 8 prerequisite: The community must adopt and enforce at least a 1-foot freeboard requirement (including machinery or equipment) for all new and SI/SD residential buildings in areas where BFEs have been determined. This includes the replacement of manufactured homes in pre-FIRM manufactured home parks.

Additionally, Maryland has the "Maryland Coast Smart – Climate Ready Action Boundary (CRAB)" Flood layer, which adds three feet of freeboard, including the horizontal extent of the flooding. The state requires state projects over $500,000 for construction or state funding to apply the horizontal limits of the higher 100 year + three ft inundation as indicated by the CS-CRAB layer.

- GIS layer: https://data.imap.maryland.gov/datasets/4485c0431b6640a4becd061591d989df https://mdfloodmaps.net/CRAB/
- Resources: https://dnr.maryland.gov/climateresilience/Pages/cs_Council.aspx
- MARYLAND COAST SMART COUNCIL COAST SMART CONSTRUCTION PROGRAM 2020

Activity 450 (Stormwater Management)

ESC–EROSION AND SEDIMENTATION CONTROL
WQ–WATER QUALITY

The Water and Science Administration (WSA) is the regulatory agency responsible for managing the State's water resources. Within WSA, the Stormwater, Dam Safety, and Flood Management (SDSFM) Program oversees state programs and administers permits that direct local counties, cities, and towns to protect waters from pollution created by stormwater runoff. The erosion and sediment control programs regulate new construction activities to minimize suspended sediment (soil particles carried by water) leaving construction sites and entering local waterways. Visit the program website for a list of delegated jurisdictions. Citation: Soil Erosion and Sediment Control (maryland.gov)

Maryland's Phase II program covers over 90 small MS4 operators. The Phase II MS4 permits are similar to Phase I permits in that they require implementing stormwater best management practices and programs to reduce pollution discharges and to protect water quality. Municipal permittees are required to submit a Notice of Intent (NOI) to obtain coverage under the general permit.

April 14, 2003 an MS4 general permit was adopted for designated small municipalities
NPDES General Permit for Discharges from Small MS4s-Permit No. 03-IM-5500

November 12, 2004 an MS4 general permit was adopted for eligible State and federal agencies
NPDES General Permit for Discharges from State and Federal Small MS4s-Permit No. 05-SF-5501

Website: MS4 Permit Program (maryland.gov)

Activity 630 (Dams) Element SDS, State Dam Safety

Credit available for activities of the state's dam safety program is based on the Dam Safety Program Management Tool. Credit for element SDS is limited to communities that would be affected by a flood from the failure of a high-hazard-potential dam. This must be documented with a description and a map.

- Maryland state dam safety program:

The U.S. Army Corps of Engineers National Inventory of Dams webpage at https://nid.sec.usace.army.mil/#/ documents the dams and flood inundation maps information. FEMA's Dam Safety Office annually verifies element SDS credit.